

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>10/30/11</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANNE BRYANT,	:	07 Civ. 6395 (SHS)
	:	
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
AB DROITS AUDIOVISUELS, <i>ET AL.</i> ,	:	
	:	
Defendants.	:	

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SIDNEY H. STEIN, U.S.D.J.

On September 30, 2010, this *sua sponte* Court ordered [document no. 68] this action dismissed without prejudice to plaintiff reopening it at the conclusion of the pending New York State Supreme Court action which would decide either most or all of the issues in this Federal action.

Subsequently, plaintiff moved to reargue that determination pursuant to Fed. R. Civ. P. 59(e) and 60(b). Plaintiff also sought to amend its complaint pursuant to Rule 15(a) to add a 56th defendant and for additional time to serve several foreign defendants, even though this Court ordered on November 2, 2007 (document no. 11] that "plaintiff's time to serve the foreign defendants pursuant to Fed. R. Civ. P. 4(m) is extended to February 11, 2008. There will be no further extensions." Plaintiff also seeks the establishment of a discovery schedule and a motion schedule.

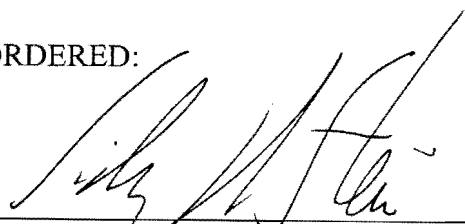
The request to reargue the September 30, 2010 Order is granted to the extent the action is reinstated on the Court's calendar; however, this action will await the outcome of the proceedings in Bryant v. Sunbow in New York State Court before proceeding further in this

Court. This action is stayed until the outcome of that case since that action will determine all or most of the issues in this action. Therefore, the request to establish a discovery schedule and a motion schedule is denied. The request to amend the complaint to add a 56th defendant is denied on the grounds of futility. The request to permit late service upon yet additional foreign defendants is denied. Plaintiff had extensive time in which to serve the foreign defendants. The Court's November 2, 2007 Order extended plaintiff's time to serve the foreign defendants until February 11, 2008, and determined "There will be no further extensions." Plaintiff has provided no valid reason for yet a further extension to be granted. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion [document no. 72] is granted to the extent that the action is reinstated on the Court's calendar, the action is stayed until the completion of the State action entitled Bryant v. Sunbow, and is otherwise denied.

Dated: New York, New York
September 30, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.